

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-35 were pending in the application, of which Claims 1, 7, 11, 14, 17, 19, 26, 31, and 33 are independent. In the Office Action dated March 27, 2006, Claim 16 is rejected under 35 U.S.C. §112, Claims 1, 2, 4-7, 9-11, 14, 17, 18-22, 25, 26, 28-30, and 33 were rejected under 35 U.S.C. §102, and Claims 3, 8, 12, 13, 16, 23, 24, 27, 31, 32, 34, 35, were rejected under 35 U.S.C. §103. Claim 15 is objected to as being dependent upon a rejected base claim, but was otherwise allowable. Following this response, Claims 1-10, 14-16, and 19-37 remain in this application, with Claims 36 and 37 being added by this amendment. Claims 11-13, 17, and 18 are canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

I. Claim Objections

In the Office Action dated March 27, 2006, the Examiner objected to Claim 15 as being dependent upon a rejected base claim. Dependent Claim 15 has been amended to include the recitations of independent Claim 14. Applicants respectfully submit that this amendment overcomes this objection and adds no new matter.

II. Claim Rejections Under 35 U.S.C. §112, Second paragraph

In the Office Action, the Examiner rejected Claim 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Claim 16 has

been amended such that "a failure of the transceiver to synchronize" now reads "a failure of a transceiver to synchronize" to correct insufficient antecedent basis.

Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

III. Claim Rejections Under 35 U.S.C. §102(b)

In the Office Action, Examiner rejected Claims 1, 2, 4-7, 9-11, 19-22, 25, 26, 28-30, and 33 under 35 U.S.C. §102(b) as being anticipated by *Westell*. Claims 1, 7, 19, 26, and 33 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Claim 11 has been canceled without prejudice or disclaimer.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting service." Amended Claims 7, 19, 26, and 33 each includes a similar recitation. Support for the amendments can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See specification page 10, lines 23-24.) The diagnostic program may post test results to an extensible mark-up language ("XML") document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-

26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the user will be instantly redirected to the URL that was initially requested. (See page 15, second paragraph.) *Westell's* attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services.

Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Westell does not anticipate the claimed invention because *Westell* at least does not disclose "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting service," as recited by amended Claim 1. Amended Claims 7, 19, 26, and 33 each includes a similar recitation. Accordingly, independent Claims 1, 7, 19, 26, and 33 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

Dependent Claims 2, 4-6, 9-10, 20-22, 25, and 28-30 are also allowable for at least the reasons described above regarding independent Claims 1, 7, 19, and 26. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2, 4-6, 9-10, 20-22, 25, and 28-30.

IV. Claim Rejections Under 35 U.S.C. §102(e)

In the Office Action, Examiner rejected Claims 14, 17, and 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,788,705 ("*Rango*"). Claim 14 has been amended, and Applicants respectfully submit that the amendment overcomes

this rejection and adds no new matter. Claims 17 and 18 have been canceled without prejudice or disclaimer.

Amended Claim 14 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "utilizing the computer-implemented application to detect from the one or more checks whether there is a problem related to operation of the communications device that a re-start may solve, wherein during the re-start the communications device maintains configuration data in a memory." Support for the amendment can be found in the specification at least on page 18, lines 13-15.

Consistent with an embodiment of the invention, a device re-start attempt may be attempted where necessary followed by a device re-set when a re-start does not result in a successful sync/train test, as part of the troubleshooting procedure. (See specification page 18, lines 10-13.) The re-start of a communication device may be limited to re-starting of transceiver components while maintaining any data in memory including any device configuration data. (See specification page 18, lines 13-15.) A re-set may clear the data in memory including the device configuration data and may return it to default values in addition to re-starting the transceiver components. (See specification page 18, lines 15-17.)

In contrast, *Rango* at least does not disclose, during a re-start, a communications device maintaining configuration data in a memory. For example, *Rango* merely discloses an operation for providing startup information over impaired lines during an initial installation or if communications are lost for a lengthy period of time. (See col. 4, lines 40-49.) In addition, in *Rango*, a diagnostic payload is

exchanged for use by an on site engineer to diagnose a problem, and manually reset DSL modem parameters and attempt a restart. (See col. 3, lines 24-28.)

Furthermore, *Rango* discloses that it may be useful for the DSL modem to attempt an automatic restart with new parameters. (See col. 3, lines 28-31.) Consequently, because *Rango* discloses attempting an automatic restart with new parameters, *Rango* does not disclose a communication device maintaining configuration data during a re-start.

Rango does not anticipate the claimed invention because *Rango* at least does not disclose "utilizing the computer-implemented application to detect from the one or more checks whether there is a problem related to operation of the communications device that a re-start may solve, wherein during the re-start the communications device maintains configuration data in a memory," as recited by amended Claim 14. Accordingly, independent Claim 14 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

V. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over *Westell* in view of U.S. Pub. No. 2004/0078708 ("*LI*"). Dependent Claim 3 is patentably distinguishable over the cited art for at least that it includes, due to its dependency on amended independent Claim 1, "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going

troubleshooting service.” Dependent Claim 8 includes a similar recitation due to its dependency of independent Claim 7. Support for the amendment can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See specification page 10, lines 23-24.) The diagnostic program may post test results to an extensible mark-up language ("XML") document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely

discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the user will be instantly redirected to the URL that was initially requested. (See page 15, second paragraph.) *Westell's* attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services. Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Furthermore, *Li* does not overcome *Westell's* deficiencies. *Li* merely discloses methods for facilitating an installation of computer devices. (See Abstract.) At the beginning of an installation process, an installation application may check to determine whether a user has properly formed a connection between a device and a personal computer. (See paragraph [0004].) If the connection has not been made, the installation program alerts the user. (See paragraph [0004].) Because, *Li* only discusses error detection during the installation of computer devices, *Li* does not disclose providing an on-going troubleshooting service during operation of a computer.

Combining *Westell* with *Li* would not have lead to the claimed invention because *Westell* and *Li*, either individually or in combination, at least do not disclose

“utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting service,” as included in Claim 3. Dependent Claim 8 includes a similar recitation. Accordingly, dependent Claims 3 and 8 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

VI. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 12, 13, 23, 24, 34, and 35 under 35 U.S.C. §103(a) as being unpatentable over *Westell* in view of U.S. Patent No. 6,883,118 (“*Morgan*”). Dependent Claims 12 and 13 have been canceled without prejudice or disclaimer. Dependent Claims 23 and 24 are patentably distinguishable over the cited art for at least the reason that they include, due to their dependency on amended independent Claims 19, “utilizing a computer-implemented application to perform one or more checks on the communications device and external network connected to the communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance.” Dependent Claims 34 and 35 depend from independent Claim 33 which includes a similar recitation. Support for the amendment can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See

specification page 10, lines 23-24.) The diagnostic program may post test results to an extensible mark-up language ("XML") document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the

user will be instantly redirected to the URL that was initially requested. (See page 15, second paragraph.) *Westell's* attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services. Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Furthermore, *Morgan* does not overcome *Westell's* deficiencies. *Morgan* merely discloses connectivity test performed by a diagnostic component. (See col. 7, lines 42-43.) The diagnostic component is launched by a user via a user interface. (See col. 7, lines 28-30.) After the user launches the user interface, the diagnostic component obtains information and selectively performs one or more network troubleshooting test. (See col. 7, lines 30-32.) Consequently, launching a user interface to perform troubleshooting does not disclose providing on-going troubleshooting services. In *Morgan*, providing an on-going troubleshooting service during operation of a computer is not disclosed, because in *Morgan*, a user must first launch a user interface before the diagnostic component can perform troubleshooting test.

Combining *Westell* with *Morgan* would not have lead to the claimed invention because *Westell* and *Morgan*, either individually or in combination, at least do not disclose "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system

to provide an on-going troubleshooting service,” as included in Claim 23-24, and 35. Accordingly, dependent Claims 23-24 and 34-35 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection. The rejection of Claims 12 and 13 has been rendered moot because claims 12-15 have been canceled without prejudice or disclaimer.

VII. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Rango* in view of *Westell*. Dependent Claim 16 is patentably distinguishable over the cited art for at least the reason that it includes, due to its dependency on amended independent Claims 14, “utilizing a computer-implemented application to perform one or more checks on the communications device and external network connected to the communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance.” Support for the amendment can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See specification page 10, lines 23-24.) The diagnostic program may post test results to an extensible mark-up language (“XML”) document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Rango* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Rango* merely discloses an operation for providing startup information over impaired lines during an initial installation or if communications are lost for a lengthy period of time. (See col. 4, lines 40-49.) In addition, in *Rango* a diagnostic payload is exchanged for use by an on site engineer to diagnose a problem, and manually reset DSL modem parameters and attempt a restart. (See col. 3, lines 24-28.) Furthermore, *Rango* discloses it may be useful for the DSL modem to attempt an automatic restart with new parameters. (See col. 3, lines 28-31.) In *Rango*, providing an on-going troubleshooting service during operation of a computer does not happen, because *Rango* discloses attempting an automatic restart with new parameters.

Furthermore, *Westell* does not overcome *Rango*'s deficiencies. *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the user will be instantly redirected to the URL that was initially requested. (See page 15, second paragraph.) *Westell*'s attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services. Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Combining *Rango* with *Westell* would not have lead to the claimed invention because *Rango* and *Westell*, either individually or in combination, at least do not disclose "utilizing a computer-implemented application to perform one or more checks on the communications device and external network connected to the communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance," as included in Claim 16. Accordingly, dependent Claim 16 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

VIII. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Westell* in view of *Whatis.com*. Applicants respectfully traverse this rejection and submit that the Examiner has failed to make a *prima facie* case of obvious. *Whatis.com* is an internet publication that does not contain a publication date or retrieval dated that predates Applicants' filing date. Prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If an internet publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art. (See MPEP §2128.) Because, *Whatis.com* does not contain a publication date or retrieval dated that predates Applicants' filing date, *Whatis.com* cannot be relied upon as prior art.

Additionally, dependent Claim 27 is patentably distinguishable over the cited art for at least that it includes, due to its dependency on amended independent Claims 26, "utilizing a computer-implemented application to perform one or more checks on the communications device, the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance." Support for the amendment can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See specification page 10, lines 23-24.) The diagnostic program may post test results to

an extensible mark-up language ("XML") document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the user will be instantly redirected to the URL that was initially requested. (See page

15, second paragraph.) *Westell's* attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services. Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Furthermore, *Whatis.com* does not overcome *Westell's* deficiencies. *Whatis.com* merely discloses that XML describes the content in terms of what data is being described. (See paragraph 2.) This means that an XML file can be processed purely as data by a program or it can be stored with similar data on another computer, or it can be displayed. (See paragraph 2.) Furthermore, *Whatis.com* merely discloses that XML and HTML will be used together, in that XML markup may appear within a HTML page. (See paragraph 3.) In *Whatis.com*, providing an on-going troubleshooting service during operation of a computer is not disclosed, because in *Whatis.com*, there is no mention of trouble shooting services, only that of XML being used to describe data.

Combining *Westell* with *Whatis.com* would not have lead to the claimed invention because *Westell* and *Whatis.com*, either individually or in combination, at least do not disclose "utilizing a computer-implemented application to perform one or more checks on the communications device, the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance," as included in Claim 27. Accordingly, dependent Claims

27 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

IX. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over *Westell* in view of U.S. Patent No. 6,654,914 ("*Kaffine*"). Claim 31 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

Amended Claim 31 is patentably distinguishable over the cited are for at least the reason that it recites, for example, "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance" Support for the amendment can be found in the specification at least on page 11, lines 7-20.

Consistent with an embodiment of the invention a diagnostic program may communicate with a troubleshooting application through a defined protocol. (See specification page 10, lines 23-24.) The diagnostic program may post test results to an extensible mark-up language ("XML") document stored in on-board memory that is accessible by the troubleshooting program. (See specification page 10, lines 24-26.) The troubleshooting application may be used with other installation applications or as a stand-alone application. (See specification page 10, lines 30-31.)

With embodiments of the invention, the troubleshooting application may continue to function after installation is successfully completed to provide an on-going

troubleshooting service. (See specification page 11, lines 10-12.) In addition, the troubleshooting application may be entered by a user upon selecting an option within the installer application to begin troubleshooting. (See specification page 11, lines 7-8.) Upon automatic operation of the installer application, or upon the user running the troubleshooting application separately, the troubleshooting application may be provided as a stand-alone application. (See specification page 11, lines 8-10.) Furthermore, upon completing the installation, the troubleshooting application may automatically run during operation of the computer system to provide the on-going troubleshooting service. (See specification page 11, lines 10-12.)

In contrast, *Westell* at least does not disclose providing an on-going troubleshooting service during operation of a computer. For example, *Westell* merely discloses using an auto-redirection feature to display a web page that identifies a problem. (See page 15, first paragraph.) In addition, in *Westell*, when a user is trying to access a specific URL outside a local network, but has not established a PPP connection, the user will be directed to a home page that indicates the session is idle. (See page 15, second paragraph.) When the user makes the connection, the user will be instantly redirected to the URL that was initially requested. (See page 15, second paragraph.) *Westell's* attempting to first access a web page and then receiving an error does not disclose providing on-going troubleshooting services. Consequently, in *Westell*, providing an on-going troubleshooting service during operation of a computer is not disclosed. This is at least because, in *Westell*, the user must first be trying to access a web page such that the auto-redirection feature will be implemented.

Furthermore, *Kaffine* does not overcome *Westell*'s deficiencies. *Kaffine* merely discloses a computer program product including instructions for causing a computer to receive data from a user and inject test data into the communication network in response to the data received from the user. (See col. 3, lines 22-29.) The computer product can include further instructions for causing a computer to determine whether to inject more test data into the communication network. (See col. 3, lines 30-34.) Consequently, having a need for a user to inject data into a computer network does not disclose providing on-going troubleshooting services. In *Kaffine*, providing an on-going troubleshooting service during operation of a computer is not disclosed, because in *Kaffine*, a user must first input data which is then injected into a computer network.

Combining *Westell* with *Kaffine* would not have lead to the claimed invention because *Westell* and *Kaffine*, either individually or in combination, at least do not disclose "utilizing a computer-implemented application to perform one or more checks on the computer system and communications device, wherein the computer-implemented application automatically runs during operation of the computer system to provide an on-going troubleshooting assistance," as recited by amended Claim 31. Accordingly, independent Claim 31 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection.

Dependent Claim 32 is also allowable for at least the reasons described above regarding independent Claim 31. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claim 32.

X. New Claims

Claims 36 and 37 have been added by this amendment. Claim 36 is allowable because none of the above cited references, either individually or in combination, at least do not disclose that a computer system further including an external network. Furthermore, Claim 37 is allowable because none of the above cited references, either individually or in combination, at least do not disclose "the communications device is a digital subscriber line modem and the problem that a re-start may solve is a failure of a transceiver to synchronize," as recited by Claim 37. Applicants respectfully submit that these claims add no new matter.

XI. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Action.


Please grant any extensions of time required to enter this response and
charge any additional required fees to deposit account 13-2725.

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